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| 09/342,012      | 06/28/1999  | NOBORU SHIBUYA       | 450100-4943         | 5920             |

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EXAMINER

WISDAHL, ERIC D

ART UNIT

PAPER NUMBER

2615

DATE MAILED: 01/28/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/342,012

Applicant(s)

SHIBUYA ET AL.

Examiner

Eric D Wisdahl

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1 and 2 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1 and 2 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. §§ 119 and 120

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☒ All b) ☐ Some \* c) ☐ None of:  
1. ☒ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.  
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

### Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Response to Arguments***

Applicant's arguments filed 19 December 2003 have been fully considered but they are not persuasive.

Applicant states that the newly presented limitation "said supporting means comprising a shaft mounted at each end of said image pickup means rotatably disposed within a portion of said display section" is not met by either Fukumitsu et al. or Wakabayashi et al.

It is seen that the support means will be present and rotatably disposed within a portion of said display section (Fukumitsu Figures 3 and 4 as well as Column 4 lines 23 – 26). Furthermore, if such support means are a tubular shape, as taught by Wakabayashi, such support means will have a shaft mounted at each end of said image pickup means to reliably keep the support means within the correct position of the overall device while maintaining the ability to be freely rotatable (Wakabayashi Figures 6 and 24)

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 1 is rejected under 35 U.S.C. 103(a) as being unpatentable over Fukumitsu et al. (U.S. Patent 6, 141, 052) in view of Wakabayashi et al. (U.S. Patent 5, 903, 706). Fukumitsu discloses:

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- a body having a keyboard thereon (Figure 2 item 12),
- a display section mounted on a pivotal opening and a closing movement with respect to said body and having, on a first face thereof which opposes said keyboard when said display section is pivotally closed on said body, a display face for displaying face for displaying an image thereon (Figure 2 items 14 and 15, Column 2 line 63 – Column 3 line 5),
- said display section including an image pickup means for picking up an image (Figure 2 item 18),
- accommodation means for accommodating the image pickup means therein (Figures 3 and 4 item 19),
- supporting means for supporting said accommodation means at portions thereof for turning motion in a vertical plane over an angular range of approximately 180 degrees outwardly between a first position at which said image pickup means is directed in the same direction as said first face of said display section and a second position at which said image pickup means is directed in the same direction as a second face of said display section which is opposite to said first face (Column 4 lines 23 – 26, Figures 3 and 4).

Fukumitsu fails to disclose:

- the accommodation means with a substantially tubular shape,
- the supporting means for supporting the accommodation means at portions thereof in the proximity of the opposite ends of the tubular shape;

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- said supporting means comprising a shaft mounted at each end of said image pickup means rotatably disposed within a portion of said display section; and
- the providing means for providing a space for allowing the accommodation means to be turned without contacting with said body when said display section is pivotally closed on said body.

Wakabayashi teaches:

- the accommodation means with a substantially tubular shape (Figures 6, 11, 13 – 17 and 24),
- the supporting means for supporting the accommodation means at portions thereof in the proximity of the opposite ends of the tubular shape (Figures 6, 11, 13 – 17 and 24);
- said supporting means comprising a shaft mounted at each end of said image pickup means rotatably disposed within a portion of said display section (Figures 6 and 24); and
- the providing means for providing a space for allowing the accommodation means to be turned without contacting with said body when said display section is pivotally closed on said body (Figures 6, 11, 13 – 17 and 24).

Such an arrangement would be useful in allowing the image pickup means to be accessed when the image processing device is in a closed state without damaging the pickup means.

Therefore, it would have been obvious to one of ordinary skill in the art to include the accommodation means with a substantially tubular shape, the supporting means for supporting the accommodation means at portions thereof in the proximity of the opposite ends of the tubular

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shape and the providing means for providing a space for allowing the accommodation means to be turned without contacting with said body when said display section is pivotally closed on said body so as to provide a body which protects the image pickup means and allows access while the device is in a closed position.

Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Fukumitsu et al. (U.S. Patent 6, 141, 052) in view of Wakabayashi et al. (U.S. Patent 5, 903, 706) in further view of Isashi (U.S. Patent 5, 898, 600).

Neither Fukumitsu nor Wakabayashi disclose:

- the display section further including a sound fetching means disposed so as to be capable of fetching sound not only when said image pickup means is at the first position but also when said image pickup means is at the second position.

Isashi teaches:

- the image pickup means with the sound fetching means to fetch the sound in any position which the pickup means is positioned (Figure 11, Column 29 lines 40 – 43).

Such an arrangement would be useful in obtaining sound to enhance the video signal picked up by the image pickup means to enable a full reproduction.

Therefore, it would have been obvious to one of ordinary skill in the art to include the display section further including a sound fetching means disposed so as to be capable of fetching sound not only when said image pickup means is at the first position but also when said image

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pickup means is at the second position so as to enable the user to obtain both sound and video at any location which the image pickup means are located.

*Conclusion*

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Eric D Wisdahl whose telephone number is (703) 305-4915. The examiner can normally be reached on 9:00 - 6:00 Mon-Thur every other Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Christensen can be reached on (703) 308-9644. The fax phone number for the organization where this application or proceeding is assigned is (703) 308-5399.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the customer service representative whose telephone number is (703) 306-0377.

Edw

A handwritten signature in black ink, appearing to read 'Andrew Christensen', with a long horizontal flourish extending to the right.

ANDREW CHRISTENSEN  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2600